

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Israel Garcia,

Defendant.

S1 21 Cr. 412 (JSR)

Order re: Attorney-Client Privilege Waiver

WHEREAS Defendant Israel Garcia has moved to withdraw his guilty plea based, at least in part, on the ground of ineffective assistance of counsel; and

WHEREAS the Government, after reviewing the motion papers, has concluded that the testimony of Petitioner's former trial counsel, Raoul Zaltsberg ("Counsel"), will be needed in order to allow the Government to respond to the motion; and

WHEREAS the Court, after reviewing the motion papers, is satisfied that the testimony of Counsel is needed in order to allow the Government to respond to the motion; and

WHEREAS by making the motion, the movant has waived the attorney-client privilege as a matter of law; and

WHEREAS the Court is cognizant that, absent court order or informed consent, ethical concerns may inhibit Counsel from disclosing confidential information relating to a prior client even in the absence of a privilege, *see, e.g.*, ABA Standing Comm. on Ethics and Prof. Responsibility Formal Op. 10-456 (July 14, 2010), *Disclosure of Information to Prosecutor When Lawyer's Former Client Brings Ineffective Assistance of Counsel Claim*,

IT IS HEREBY ORDERED that Counsel shall give sworn testimony, in the form of an affidavit filed by July 4, 2022, addressing the allegations of ineffective assistance of counsel made by movant and may discuss the same with the Government.

Dated: New York, New York
June ~~30~~, 2022

A handwritten signature in black ink, appearing to read "J. S. Rakoff", is written over a horizontal line.

HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE